

PS 8
(8/88)FILED BY *[Signature]* D.C.

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**United States District Court
for
Western District of Tennessee**

U.S.A. vs. Marshall Henderson

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

Docket No. 04-20304-01

Petition for Action on Conditions of Pretrial Release

COMES NOW PRETRIAL SERVICES OFFICER Stephanie K. Denton presenting an official report upon the conduct of Defendant Marshal Henderson placed under pretrial release supervision by the Honorable Tu M. Pham sitting in the court at Memphis, on the 10th day of August, 2004, under the following conditions:

1. Report to Pretrial Services as directed
2. Maintain or actively seek employment
3. Maintain or commence an education program
4. Refrain from possessing a firearm, destructive device, or other dangerous weapon
5. Refrain from any use or unlawful possession of a narcotic drug or other controlled substances
6. Submit to any method of drug testing required by Pretrial Services
7. Participate in a program of substance abuse or treatment if deemed advisable by Pretrial Services

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

See attached pages.

ORDER OF COURT

Considered and ordered this 5th day of July, 2005 and ordered filed and made a part of the records in the above case.

Tu Pham

U.S. District Judge/Magistrate

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 28, 2005

Stephanie K. Denton

U.S. Pretrial Services Officer

Place Memphis, TN

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On December 29, 2004, the defendant appeared before U.S. Magistrate Tu M. Pham on Indictment# 04-20508-01 charging him with Possession with Intent to Distribute 48.9 grams of Cocaine Base. At that time, he was ordered released on his own recognizance and he was directed to abide by the conditions of release set in criminal case# 04-20304-01.

On January 11, 2005, a violation report was prepared and submitted to the Honorable Jon P. McCalla advising him that the defendant submitted two urine specimens that tested positive for Cocaine and that he had admitting to using illicit controlled substances.

Report as directed to Pretrial Services

Defendant Henderson failed to report to Pretrial Services on April 18, 2005, after he was released from the Shelby County Jail.

Refrain from any use or unlawful possession of a narcotic drug or other controlled substances

On December 29, 2004, and January 4, 2005, the defendant tested positive for cocaine. On January 4, 2005, the defendant signed a voluntary admission of illegal drug use form stating that he last used cocaine and ecstasy on January 3, 2005. Mr. Henderson admitted to using cocaine and ecstasy approximately two times each week.

On April 29, 2005, and May 14, 2005, the defendant tested positive for marijuana while in substance abuse treatment at ACAR.

On May 12, 2005, Defendant Henderson verbally admitted to smoking marijuana when he was released from juvenile court custody on April 18, 2005.

Submit to any method of substance abuse testing required by Pretrial Services

Defendant Henderson failed to submit a urine specimen at ACAR on June 25, 2005, as directed.

Participate in a program of inpatient or outpatient substance abuse testing, education or treatment if deemed advisable by Pretrial Services

Defendant Henderson failed to participate in treatment at ACAR on June 17, 2005, as directed.

The defendant shall not commit any offense in violation of federal, state, or local law while on release in this case

Defendant Henderson was arrested on November 26, 2004, in Memphis, TN, for 1) Driving While License is Suspended/Revoked/Cancelled, 2) Violation of Vehicle Registration Law, and 3) Violation of Financial Law. On May 16, 2005, all charges were nolle prosequi. The defendant did not report this arrest to Pretrial Services.

On December 29, 2004, Defendant Edwards was arrested in the WD/TN and appeared before U.S. Magistrate Tu M. Pham on indictment number 04-20507-01 charging him with Possession with Intent to Distribute 48.9 grams of Cocaine Base. At that time, he was ordered released on the same bond and existing conditions of release as set in indictment number 04-20304-01.

The following is an update on pending charges in Shelby County, TN: On January 20, 2004, the defendant was arrested for 1) Driving Under the Influence of Intoxicants/Drugs, 2) Possession of Controlled Substance, 3) Reckless Driving, 4) Public Intoxication, 5) Driving without License in Possession, 6) Refusal to Submit to BAC Test, 7) Driving Under the Influence of Intoxicants/Drugs, and 8) Driving Under the Influence Intoxicants/Drugs. On May 3, 2004, counts 4 and 5 were Nolle Prosequi. On June 29, 2004, counts 1, 2, 3, 7, and 8 were indicted (Indictment# 04 04461) and count 6 was dismissed. The next report date is set for July 21, 2005.

On March 8, 2004, the defendant was arrested for 1) Possession of Cocaine with Intent to Manufacture/Sell/Deliver, 2) Possession of Cocaine with Intent to Manufacture/Sell/Deliver, 3) Evading Arrest, 4) Resisting Official Detention, and 5) Evading Arrest. On May 27, 2004, counts 3 and 4 were Nolle Prosequi. On August 10, 2004, counts 1, 2, and 5 were indicted (Indictment# 04 05466). The next report date is set for July 21, 2005.

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Defendant Henderson was incarcerated in the Shelby County Jail from March 8, 2005, until April 18, 2005, for failing to pay child support.

PRAYING THAT THE COURT WILL ORDER ISSUANCE OF A WARRANT CHARGING THE DEFENDANT WITH VIOLATING THE CONDITIONS OF PRETRIAL RELEASE.

BOND RECOMMENDATION: NONE



Notice of Distribution

This notice confirms a copy of the document docketed as number 84 in case 2:04-CR-20304 was distributed by fax, mail, or direct printing on July 5, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT